THE INDUSTRIAL EMPLOYMENT (STANDING ORDERS) (BOMBAY AMENDMENT) ACT, 1955.

CONTENTS.

PREAMBLE.

SECTIONS.

1. Short title and commencement.
2. Amendment of long title of Act XX of 1946.
3. Amendment of preamble of Act XX of 1946.
4. Amendment of section 1 of Act XX of 1946.
5. Amendment of section 2 of Act XX of 1946.
6. Insertion of new section 2A in Act XX of 1946.
7. Amendment of section 3 of Act XX of 1946.
8. Deletion of section 4 of Act XX of 1946.
9. Amendment of section 5 of Act XX of 1946.
10. Amendment of section 6 of Act XX of 1946.
11. Amendment of section 7 of Act XX of 1946.
12. Amendment of section 8 of Act XX of 1946.
13. Amendment of section 9 of Act XX of 1946.
14. Amendment of section 10 of Act XX of 1946.
15. Amendment of section 12 of Act XX of 1946.
16. Amendment of section 13 of Act XX of 1946.
17. Amendment of section 15 of Act XX of 1946.
18. Amendment of schedule to Act XX of 1946.

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BOMBAY ACT No. LIII OF 1955.[1]

[THE INDUSTRIAL EMPLOYMENT (STANDING ORDERS) (BOMBAY AMENDMENT) ACT, 1955.]

[*21st December 1955*]

An Act to amend the Industrial Employment (Standing Orders) Act, 1946, in its application to the State of Bombay.

XX of 1946. WHEREAS it is expedient to amend the Industrial Employment (Standing Orders) Act, 1946, in its application to the State of Bombay, for the purposes hereinafter appearing ; It is hereby enacted in the Sixth Year of the Republic of India as follows :—

Short title and commencement.

1. (*1*) This Act may be called the Industrial Employment (Standing Orders) (Bombay Amendment) Act, 1955.

(*2*) It shall come into force on such date as the State Government may by notification in the *Official Gazette* appoint in this behalf.

Amendment of long title of Act XX of 1946.

XX of 1946. **2.** In the Industrial Employment (Standing Orders) Act, 1946 (hereinafter referred to as "the said Act") for the long title the following shall be substituted, namely :—

"An Act to provide for rules defining with sufficient precision in certain matters the conditions of employment in industrial establishments in the State of Bombay."

Amendment of preamble of Act XX of 1946.

3. In the preamble of the said Act, for the portion beginning with the words "to require" and ending with the words "by them", the words "to provide for rules defining with sufficient precision in certain matters the conditions of employment in industrial establishments in the State of Bombay and for certain other matters" shall be substituted.

Amendment of section 1 of Act XX of 1946.

4. In sub-section (*3*) of section 1 of the said Act, for the words "one hundred" the word "fifty" shall be substituted.

Amendment of section 2 of Act XX of 1946.

5. In section 2 of the said Act,—

(*a*) before clause (*a*), the following new clause shall be inserted, namely :—

"(*1a*) 'amendments' means, in relation to the model standing orders, any amendments proposed to such orders under section 3 and includes any alterations, variations or additions proposed thereto ;";

(*b*) in clause (*d*), after sub-clause (*iii*) the following new sub-clause shall be inserted, namely :—

"(*iv*) in relation to any workman working on the establishment of a person who for the purpose of fulfilling a contract with the owner of the industrial establishment employs workmen, such owner engaging the services of the contractor ;";

(*c*) in clause (*e*), sub-clause (*iv*) shall be deleted ;

(*d*) after clause (*e*) the following shall be inserted, namely :—

"(*ee*) 'model standing orders' means standing orders prescribed under section 15 ;

(*ef*) 'modification' includes, in relation to a standing order, any alteration, variation, addition or deletion in or to such order ;";

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[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1955, Part V, pages 2732-27.

(*e*) for clause (*i*) the following shall be substituted, namely :—

"(*i*) 'workman' means any person employed to any skilled or unskilled, manual or clerical labour for hire or reward on any work of, or incidental or preliminary to or connected with the work of any industrial establishment whether such work is done by the workman in the establishment or elsewhere but does not include any member of the armed forces of the Union or police force."

Insertion of new section 2A in Act XX of 1946.

6. After section 2 of the said Act, the following section shall be inserted, namely :—

Application of model standing orders to every industrial establishment.

"2A. Where this Act applies to an industrial establishment, the model standing orders for every matter set out in the Schedule applicable to such establishment shall apply to such establishment from such date as the State Government may by notification in the *Official Gazette* appoint in this behalf:

Provided that nothing in this section shall be deemed to affect any standing orders which are finally certified under this Act and have come into operation under this Act in respect of any industrial establishment before the date of the coming into force of the Industrial Employment (Standing Orders) (Bombay Amendment) Act, 1955." Bom. LIII of 1955.

Amendment of section 3 of Act XX of 1946.

7. In section 3 of the said Act,—

(*a*) for sub-section (*1*), the following shall be substituted, namely :—

"(*1*) Within six months from the date on which the model standing orders apply to any industrial establishment under section 2A, the employer or any workman employed therein may submit to the Certifying Officer five copies of the draft amendments for adoption in such industrial establishment :

Provided that no amendment which provides for the deletion or omission of any rule in the model standing orders relating to any matter set out in the Schedule shall be submitted under this section." ;

(*b*) sub-section (*2*) shall be deleted ;

(*c*) in sub-section (*3*), for the words "draft standing orders" the words "draft amendments" shall be substituted ;

(*d*) in sub-section (*4*), for the words "draft of standing orders" the words "draft of amendments" shall be substituted ;

(*e*) for the marginal note, the marginal note "Submission of amendments" shall be substituted.

Deletion of section 4 of Act XX of 1946.

8. Section 4 of the said Act shall be deleted.

9. In section 5 of the said Act,—

(*a*) in sub-section (*1*),—

(*i*) after the words "as may be prescribed" the words "or the employer, as the case may be," and after the word "workmen", where it occurs for the third time, the words "or employer" shall be inserted; Amendment of section 5 of Act XX of 1946.

(*ii*) for the words "draft standing orders" the words "draft amendments" shall be substituted;

(*b*) in sub-section (*2*),—

(*i*) after the words "giving the employer" the words ", workmen submitting the amendments" shall be inserted;

(*ii*) the words "or addition to" shall be deleted;

(*iii*) for the words "the draft submitted by the employer is necessary to render the draft standing orders certifiable under this Act" the words, brackets and figures "the draft submitted under sub-section (*1*) of section 3 is necessary," shall be substituted;

(*c*) in sub-section (*3*),—

(*i*) for the words "certify the draft standing orders" the words "certify the draft amendments" shall be substituted;

(*ii*) for the words "certified standing orders" the words "model standing orders together with copies of the certified amendments thereof" shall be substituted;

(*d*) in the marginal note, for the words "standing orders" the word "amendments" shall be substituted.

10. In section 6 of the said Act,—

(*a*) in sub-section (*1*), for the portion beginning with the words "confirm the standing orders" and ending with the words "certifiable under this Act" the words "confirm the amendments either in the form certified by the Certifying Officer or after further modifying the same as the appellate authority thinks necessary" shall be substituted; Amendment of section 6 of Act XX of 1946.

(*b*) in sub-section (*2*),—

(*i*) for the words "unless it has confirmed without amendment the standing orders" the words "unless it has confirmed without further modifications the amendments" shall be substituted;

(*ii*) for the words "by copies of the standing orders" the words "by copies of the model standing orders together with the amendments" shall be substituted.

11. In section 7 of the said Act and in the marginal note thereto after the words "standing orders" the words "or amendments" shall be inserted. Amendment of section 7 of Act XX of 1946.

12. In section 8 of the said Act,— Amendment of section 8 of Act XX of 1946.

(*a*) after the words "all standing orders" the words "or model standing orders together with all the amendments" shall be inserted;

(*b*) in the marginal note, after the words "standing orders" the words "and model standing orders together with all certified amendments" shall be inserted.

Amendment of section 9 of Act XX of 1946

13. In section 9 of the said Act,—

(*a*) after the words "standing orders" the words "or model standing orders together with all the amendments" shall be inserted;

(*b*) in the marginal note, after the words "standing orders" the words "and model standing orders together with all certified amendments" shall be inserted.

Amendment of section 10 of Act XX of 1946.

14. In section 10 of the said Act,—

(*a*) in sub-section (*1*),—

(*i*) after the words "standing orders", at both the places where they occur, the words "or the amendments" shall be inserted;

(*ii*) after the words "came into operation" the following shall be added, namely:—

"and where model standing orders have not been amended as aforesaid, the model standing orders shall not be liable to such modification until the expiry of one year from the date on which they were applied under section 2A";

(*b*) for sub-section (*2*), the following shall be substituted, namely:—

"(*2*) An employer, workman or any prescribed representatives of workmen desiring to modify the standing orders or the model standing orders together with the amendments, as finally certified under this Act, or the model standing orders applied under section 2A, as the case may be, shall apply to the Certifying Officer in that behalf submitting five copies of the standing orders, or the model standing orders, together with all amendments thereto as certified under this Act or model standing orders in which shall be indicated the modifications proposed and where such modifications are in agreement with the workmen, a certified copy of the agreement shall accompany the application.";

(*c*) in sub-section (*3*), for the words "standing orders" the word "amendments" shall be substituted.

Amendment of section 12 of Act XX of 1946.

15. In section 12 of the said Act,—

(*a*) for the words "standing orders as finally certified under this Act" the words "standing orders or the model standing orders, or model standing orders with all the amendments as finally certified under this Act, as the case may be," shall be substituted;

(*b*) in the marginal note, for the words "standing orders" the words "standing orders, etc.," shall be substituted.

Amendment of section 13 of Act XX of 1946.

16. In section 13 of the said Act,—

(*a*) in sub-section (*1*),—

(*i*) for the words and figure "who fails to submit draft standing orders as required by section 3, or who modifies his standing orders" the words "who modifies the standing orders, model standing orders or amendments" shall be substituted;

(*ii*) for the word and figures "section 10" the words "the provisions of this Act" shall be substituted;

(*iii*) for the words "shall be punishable" the words "shall, on conviction be punished" shall be substituted;

(*b*) in sub-section (*2*), for the words "the standing orders finally certified under this Act for his industrial establishment shall be punishable" the words "the standing orders, model standing orders or the amendments, as finally certified under this Act for his industrial establishment, as the case may be, shall, on conviction, be punished" shall be substituted;

(*c*) after sub-section (*2*) the following new sub-sections shall be inserted, namely:—

"(*2A*) Whoever contravenes the provisions of this Act or of any rule made thereunder in cases other than those falling under sub-section (*1*) or sub-section (*2*), shall, on conviction, be punished with fine which may extend to one hundred rupees and in the event of such person being previously convicted of an offence under this Act, with fine which may extend to two hundred rupees and in the case of a continuing offence with a further fine which may extend to twenty-five rupees for every day after the first during which the offence continues.

(*2B*) The Court convicting an employer under sub-section (*1*) or sub-section (*2*) may direct such employer to pay such compensation as it may determine to any workman directly and adversely affected by the modification or contravention of the standing orders, model standing orders or amendments, as the case may be.

(*2C*) The compensation awarded under sub-section (*2B*) may be recovered as if it were a fine and if it cannot be so recovered, the person by whom it is payable shall be sentenced to imprisonment of either description for a term not exceeding three months as the Court thinks fit."

Amendment of section of Act X of 1946.

17. In section 15 of the said Act, in sub-section (*2*),—

(*a*) in clause (*a*), after the words "standing orders" the words "or amendments" shall be inserted;

(*b*) in clause (*d*), for the words "copies of standing orders entered in the register of standing orders" the words and figure "copies of standing orders or model standing orders together with all the amendments filed in the register under section 8" shall be substituted.

Amendment of Schedule to Act XX of 1946.

18. In the Schedule appended to the said Act,—

(*a*) in the heading—

(*i*) for the word, figures, brackets and letter "sections 2 (*g*) and 3(*2*)" the word, figure and letter "section 2A" shall be substituted;

(*ii*) after the words "standing orders" the words ", model standing orders and amendments" shall be inserted;

(*b*) after item 10, the following new item shall be inserted, namely:—

"10A. Age for retirement or superannuation."